

From: [MCCLINCY Matt](#)
To: [Sean Sheldrake/R10/USEPA/US@EPA](#)
Cc: [ANDERSON Jim M](#); [Eric Roth](#); [Chip Humphrey/R10/USEPA/US@EPA](#); [Eric Blischke/R10/USEPA/US@EPA](#); [Kristine Koch/R10/USEPA/US@EPA](#); [Lori Cora/R9/USEPA/US@EPA](#)
Subject: RE: Arkema Lots 1 and 2
Date: 10/20/2005 09:22 AM

Sean,

The City of Portland has a rather broad definition (includes monitoring well construction) of what they consider development and subject to the requirements of a Greenway Permit. DEQ is continuing discussions with the City on this issue. Most investigation projects tend to fly under the Greenway Permit radar. The purpose of the City discussions is to try and identify what the substantive requirements are so that the day to day RI activities do not get hung up by a City review loop.

The City recognizes DEQ's authority to waive the permit. However, they definitely want to be involved in the identification of the substantive requirements for the individual projects. On smaller projects this usually translates into bicycle racks or trees (aka shrubbery per Monty Python). The City has asked to be in the FS review loop for riverfront sites so that they can identify the substantive requirements up front. Consequently, they should in the review loop on the revised EE/CA work plan. The current City point of contact for this is Tom Carter, City Planning and Zoning Section (503)823-4989. cartert@ci.portland.or.us.

I completely appreciate EPA's position on the potential for RI sampling activities to result in harm. Unfortunately, the USACE and NOAA do not appear to share this position. My understanding of the RPAC situation is that they applied for a Division of State Lands access permit to conduct the sampling. This, again as I understand it, is a joint USACE/Division of State Lands Permit. The USACE review and the referenced NOAA guidance triggered the requirement for the BO (180 day loop). Because ARKEMA is involved with the RPAC access negotiations they are aware of this situation as I expect all of the LWG members are. This issue has the potential to impact upland source control schedules as portions of this work, and other in-water work overseen by DEQ (e.g., recent Gasco in-river groundwater investigation work plan) is conducted below ordinary high water. I am not sure that a don't ask don't tell policy is where we want to be on this issue.

Matt

-----Original Message-----

From: Sheldrake.Sean@epamail.epa.gov
[mailto:Sheldrake.Sean@epamail.epa.gov]
Sent: Wednesday, October 19, 2005 4:54 PM
To: MCCLINCY Matt
Cc: ANDERSON Jim M; Eric Roth; humphrey.chip@epamail.epa.gov;
blischke.eric@epamail.epa.gov; Koch.Kristine@epamail.epa.gov;
cora.lori@epamail.epa.gov
Subject: RE: Arkema Lots 1 and 2

Matt,

Thanks--

Just a clarification, EPA's current position is that most RI/FS /EA sampling activities do not endanger ESA listed species and therefore we are not initiating consultation for them. As I mentioned this to Arkema the other day, I promised I would check on this, fyi.

Also, a greenway permit? I thought under state law as with CERCLA you could comply with substantive requirements for state and local permits(?) If you do any legal analysis on this, let us know.

S

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<http://yosemite.epa.gov/r10/oea.nsf/webpage/dive+team>
<http://yosemite.epa.gov/r10/cleanup.nsf/sites/ptldharbor>
Deliveries: 9th floor mailroom
Visitors: Check-in @ Service Center on 14th floor

MCCLINCY Matt
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eq.state.or.us>

10/19/2005 03:57
PM

To
cc
Eric Roth <earoth@parametrix.com>
Sean Sheldrake/R10/USEPA/US@EPA,
ANDERSON Jim M
<ANDERSON.Jim@deg.state.or.us>
Subject
RE: Arkema Lots 1 and 2

Eric,

I have arranged for a copy of the following documents to be made tomorrow morning. Do you want them mailed to you or will you have someone pick them up?

ERM 20 December 2004, Surface Soil Sampling and Analysis Work Plan Lots 1 and 2 (Note that the data report is due in January).

ERM, 23 July 2003, Environmental Summary Report Lots 1 and 2 ATOFINA Chemicals, Inc. Portland, Oregon

CH2M Hill, April 1995, Remedial Action Report North Plant Area Elf Atochem North America, Inc. Facility Portland, Oregon

Also, note that RPAC has recently conducted a significant additional amount of characterization work (both soil and groundwater) on Lots 1 and 2 to better define the boundary of their plume. This work plan was previously provided to EPA. The schedule for submittal of this data was early spring 06. However, RPAC is hung up on their ability to construct beach monitoring wells at ARKEMA because of the need for a City Greenway Permit and a biological opinion from NOAA which is required for sampling activities within a CERCLA site. See link to NOAA guidance.
<https://www.nwp.usace.army.mil/op/g/notices/Slopes.pdf#search='SLOPES%20III%20NOAA>

I will let Sean know when I have an updated schedule for this data (probably upland only) submittal.

Matt McClincy
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-----Original Message-----

From: Eric Roth [mailto:earoth@parametrix.com]
Sent: Wednesday, October 19, 2005 1:54 PM
To: MCCLINCY Matt
Cc: sheldrake.sean@epa.gov
Subject: Arkema Lots 1 and 2

Matt please let me know when I can get a copy of the Lots 1 and 2 Report for Arkema. As discussed, I will distribute it to EPA staff that requested an electronic copy (PDF). Thanks Eric

Eric A. Roth, R.G.
Project Hydrogeologist
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